IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

OP.No. 13398 of 2002(T)

PETITIONER:

N.SADANANDAN PILLAI,PROPRIETOR,
ARCHANA CHIPS AND HOLLOW BRICKS INDUSTRIES,
SOORANADU SOUTH,PATHARAM P.O.,KOLLAM DISTRICT

BY ADV. SHRI. C.V.VASUDEVAN,
ADV. SHRI.ANIL THOMAS,
ADV. SHRI. JOSE ABRAHAM
ADV. SHRI. ANIL KUMAR

RESPONDENTS:
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1. THE MANAGING DIRECTOR,KERALA FINANCIAL CORPORATION,VELLAYAMBALAM,THIRUVANANTHAPURAM

2. THE DISTRICT MANAGER,KERALA FINANCIAL CORPORATION,Y.M.C.A.JUNCTION,KOLLAM

BY ADV. SRI.A.A.ABUL HASSAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.No. 13398/2002

ORDER ON CMP NOS. 22508/2002 & 24702/2003 IN O.P.No. 13398/2002.

DISMISSED.

18/06/2007 SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

ORDER ON I.A.NOS. 11207/2003 & 2857/2006 IN O.P.No. 13398/2002.

DISMISSED.

18/06/2007 SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE PRESENT REGISTRATION CERTIFICATE NO.09/08/12021 PMT SSI 31/10/94 ISSUED BY THE GENERAL MANAGER, DISTRICT INDUSTRIES CENTER.

P2 : COPY OF THE EXTRACT OF THE RELEVANT PAGE 12 OF SANCTION LETTER.

P3 : COPY OF THE MINUTES DATED 20/06/98.

P4 : COPY OF THE ORDER NO.E1(2) 02361/98 DATED 27/07/98 PASSED BY THE GENERAL MANAGER, INDUSTRIES CENTRE, KOLLAM.

P5 : COPY OF THE LETTER KLM/396/99 DATED 17/5/99 ISSUED BY THE 1ST RESPONDENT.

P6 : COPY OF THE COMMUNICATION NO.KLM/R/2517/98 DATED 30/11/98 ISSUED by the 2ND RESPONDENT.

P7 : COPY OF THE COMMUNICATION NO. KLM /10015701/897/99 DATED 25/06/99 ISSUED by the 2ND RESPONDENT.

P8 : COPY OF THE EXTRACT OF PAGE NO. 4 OF LOAN AGREEMENT.

P9 : COPY of the COMMUNICATION NO.10015/7810/282/2001 DATED 22/01/2001 ISSUED by the 1ST RESPONDENT.

P10 : COPY OF THE INTIMATION NO. 110/15/7810/2000/3973 DATED 17/07/2000 ISSUED by the 2ND RESPONDENT.

P11 : COPY OF THE REPRESENTATION DATED 16/08/2000 BY THE petitioner TO THE 1ST RESPONDENT.

P12 : COPY OF THE COMMUNICATION NO. KLM/100 15 7910/4613/2000 DATED 13/01/2000 ISSUED by the 1ST RESPONDENT.

P13 : COPY OF THE REPRESENTATION DATED 27/01/2000 BY THE PETITIONER TO THE 1ST RESPONDENT.

O.P.No. 13398/2002

P14 : COPY OF THE ACKNOWLEDGEMENT CARD FROM 1ST RESPONDENT.

P15 : COPY OF THE ACKNOWLEDGEMENT CARD FROM 2ND RESPONDENT.

P16 : COPY OF THE REPRESENTATION DATED 01/02/2001 BY THE PETITIONER TO THE 1ST RESPONDENT.

P17 : COPY OF THE LETTER NO. KLM/100157810/2090/909/2001 DATED 05/03/2001 BY THE 1ST RESPONDENT TO THE PETITIONER.

P18 : COPY OF THE REPRESENTATION DATED 14/03/2001 FROM THE PETITIONER to the 1ST RESPONDENT.

P19 : COPY OF THE ACKNOWLEDGMENT CARD.

P20 : COPY OF THE LETTER DATED 31/07/2001 NO.100157810/2641 FROM 1ST RESPONDENT TO PETITIONER.

P21 : COPY OF THE STATEMENT OF ACCOUNTS BY THE 1ST RESPONDENT.

P22 : COPY OF THE LETTER FROM 1ST RESPONDENT TO the PETITIONER DATED 28/01/2002.

P23 : COPY OF THE LETTER DATED 28/01/2002 FROM THE 1ST RESPONDENT to the PETITIONER.

P24 : COPY OF THE LOAN ARREARS AND MISC. DETAILS AS ON 20/02/2002 RELATING TO AJITHA BRICKS & TILES FURNISHED BY 2ND RESPONDENT.

P25 : COPY OF THE LOAN ARREARS AND MISC. DETAILS AS ON 16/03/2002 OF ARCHANA CHIPS & HOLLOW BRICKS FURNISHED BY 2ND RESPONDENT.

P25 : COPY OF THE STATEMENT DATED 24/03/2004.

P26 : COPY OF THE STATEMENT DATED 30/01/2006.

P27 : COPY OF THE SALE NOTICE DATED 02/02/2006.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 13398 of 2002

Dated, this the 18th day of June, 2007

J U D G M E N T

This O.P. is pending for the last five years. Liability is admitted and the only prayer is for incentives under OTS scheme. Respondents also do not appear to be serious in recovering the arrears, which is the reason why the matter is pending without any progress. In the circumstances, this O.P. is disposed of directing the petitioner to deposit 10% of the demand as of now, within two months from now and to make an application for OTS. The Managing Director of KFC is directed to grant OTS benefit prevailing on 31/03/2007 and demand the OTS amount along with interest from 01/04/2007 till date of payment at the current lending rate. Petitioner should be given reasonable time to settle liability under OTS scheme. If payments are made as per the directions of KFC, no collection charges should be recovered from the petitioner. In case of default, respondents will proceed to dispossess the petitioner and sell the property free of possession.

This O.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE)

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